

1 LAW OFFICE OF CYNTHIA V. ECUBE, ESQ.

2 A Professional Corporation

3 207 Martyr Street, Suite 3

4 Hagåtña, Guam 96910

5 Telephone: (671) 472-8889/922-8889

6 Telecopier: (671) 472-8890

7 Email Address: ecubelaw@netpci.com

8 Attorney for Defendant

9 NORMAN A. MANGLOÑA

FILED
DISTRICT COURT OF GUAM

FEB 27 2007

MARY L.M. MORAN
CLERK OF COURT

10 IN THE DISTRICT COURT OF GUAM

11 TERRITORY OF GUAM

12 UNITED STATES OF AMERICA,)

CRIMINAL CASE NO. 06-00056.

13 Plaintiff,)

14 vs.)

15 NORMAN A. MANGLOÑA,)

16 Defendant.)

DEFENDANT MANGLOÑA'S
STATEMENT OF OBJECTIONS
REGARDING THE DRAFT
FINDINGS OF THE PSI REPORT

17 I. INTRODUCTION

18 COMES NOW, Defendant, NORMAN A. MANGLOÑA, by and through his Court
19 appointed counsel of record, CYNTHIA V. ECUBE, ESQ. with the LAW OFFICE OF CYNTHIA
20 V. ECUBE, ESQ., P.C., and hereby submits its Statement of Objections regarding the Draft Findings
21 of the Pre-Sentence Investigation Report (hereinafter "Draft PSI Report") filed in the above-entitled
22 criminal matter, herein.

23 II. FACTUAL OBJECTIONS TO DRAFT PSI REPORT:

24 First of all, Defendant MANGLOÑA disputes the statements as contained in Paragraph 13 of
25 the PSI. Defendant maintains that he had know knowledge of Mu Jin's intentions to enter Guam by
26 boat. Defendant did purchase a cell phone and GPS handset for Mu Jin, but was informed by Jin that

27
28
29 ORIGINAL

CVE/abs

L:\CVE-CLIENTS\Mangloña, Norman\Statement of Objections re Draft Findings of PSI Report\02-25-07.

Case 1:06-cr-00056 Document 21 Filed 02/27/2007 Page 1 of 4

1 he needed these items to ensure safety out in the open seas in the event of bad weather and poor
2 visibility conditions between Tinian and Saipan. Secondly, Defendant disputes the statement as
3 provided in Paragraph 15. Defendant maintains that he had no knowledge that there were other
4 Chinese individuals to be picked up. Defendant submits that he was under the impression that he was
5 only picking up Mu Jin when Mu Jin contacted Defendant to pick him up. Lastly, Defendant further
6 disagrees with SA Hernandez' statement concerning whether the Defendant heard any sirens.
7 According to Defendant, he informed SA Hernandez that he heard no sirens nor noise.

8 **III. LEGAL OBJECTIONS TO THE PSI REPORT:**

9 Defendant, **NORMAN A. MANGLONA** (hereinafter "**MANGLONA**"), objects to the
10 computations as determined by the U. S. Probation Office in computing the total adjusted offense level
11 as provided in the Federal Sentencing Advisory Guidelines. Specifically, Defendant **MANGLONA**,
12 objects to the adjusted computation offense level of 10. First of all, Defendant objects to the Probation
13 Office's reliance on the 2006 Federal Sentencing Guidelines Manual in calculating the total offense
14 level. By applying the 2006 Federal Sentencing Guidelines, Defendant would not be entitled to three
15 (3) credit reduction for "committing the offense not for profit" as provided in 2L1.1b(1) under the of
16 the "Specific Offense Characteristics" category. More importantly, Defendant submits that the offense
17 was committed on or around February 27, 2004. Taking this into consideration, the Court should rely
18 on the 2004 Federal Sentencing Guidelines Manual.

19 §1B1.11 of the 2006 Federal Sentencing Guidelines Manual provides in relevant part:

20 " (b)(1) If the Court determines that the use of the Guidelines Manual
21 in effect on the date that the defendant is sentenced would violate the
22 ex post facto clause of the United States Constitution, **the court shall**
23 **use the Guidelines Manual in effect on the date that the offense of**
24 **conviction was committed.**" (Emphasis Added).

25 Defendant further contends that application of the 2006 Federal Sentencing Guidelines Manual
26 raises serious due process considerations. See generally *U. S. v. Sweeten*, 933 F. 2d 765 (1991).

27 In summary, by applying the 2004 Federal Sentencing Manual, Defendant submits that he would
28
29

be entitled to a three (3) credit reduction. Thus, the total adjusted level should be a level seven (7), reflecting a range of 0 to 6 months.

Dated this 27th day of February, 2007.

LAW OFFICE OF CYNTHIA V. ECUBE, ESQ.
A Professional Corporation

By:

CYNTHIA V. ECUBE, ESQ.
Attorney for Defendant

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

CVE/abs

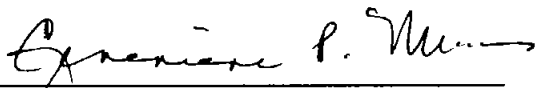
CERTIFICATE OF SERVICE

I, GENEVIEVE P. MESA, Legal Secretary with the Law Office of Cynthia V. Ecube, Esq., P.C., hereby certify that on the 27th day of February, 2007, I caused to be served via facsimile a copy of "Defendant Mangloña's Statement of Objections regarding the Draft Findings of the Pre-Sentence Investigation Report" in Criminal Case No. 06-00056, to:

KARON JOHNSON, Esq.
Assistant U. S. Attorney
U. S. Attorney's Office
Sirena Plaza, Suite 500
108 Herman Cortez, Suite 500
Hagåtña, Guam 96910

and to,

CARLYN BORJA
United States Probation Officer
United States Probation Office
2nd Floor, District Court
520 W. Soledad Ave.
Hagåtña, Guam 96910



GENEVIEVE P. MESA